IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1024 (SB) of 2001
Old Number
Writ Petition No. 6419 of 1990

Harshvardhan Khantwal,
Son of Sri Bishan Dutt Khantwal,
Resident of Vikas Nagar,
Garighat, Kotdwara,
District – Pauri Garhwal. **.....Petitioner**

V e r s u s

1. State of U.P. through Chief Engineer, Irrigation Department, Lucknow.

2. Chief Engineer (Irrigation), Range Haldwani, Nainital.

3. Executive Engineer, Garhwal Irrigation Sub Division, Garhwal, Pauri Garhwal.

4. Assistant Engineer, Garhwal Irrigation, III Sub Division, Kotdwara, Pauri Garhwal.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vipul Sharma, holding brief of Sri Sudhanshu Dulia, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(i) issue a writ, order or direction in the nature of Mandamus commanding the respondents not to terminate the services of the petitioner.

(ii) *issue a writ, order or direction in the nature of Mandamus commanding the respondents to appoint the petitioner as Patrol/ Seenchpal on a substantive post.*

(iii) *Any other writ, order of direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

(iv) *Award costs of the petition in favour of the petitioner.*

The facts as stated in the writ petition are that petitioner was engaged on the post of Seenchpal with effect from 15.01.1981 on daily wage basis. He continued to work till 1989 on daily wage basis. Thereafter, he was not engaged by the respondents to perform the duty of Seenchpal. Aggrieved with the action of the respondents for not engaging the petitioner on daily wage basis on the post of Seenchpal, petitioner preferred this writ petition before Allahabad High Court.

Counter affidavit has been filed by the respondents. In para 14 of the counter affidavit it is stated that petitioner has already moved a claim petition before Public Services Tribunal, Lucknow bearing No. 262/F/M/89.

Petitioner cannot avail two remedies simultaneously, as such, writ petition is dismissed on this ground alone. No order as to costs.

(M.M. Ghildiyal, J)

July 25, 2006
SKSharma